

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:15-cr-0195-SEB-TAB
	)	
BARBARA DUNCAN,	)	- 03
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On August 27, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on June 11, 2019. Defendant Duncan appeared in person with his appointed counsel Michael Donahoe. The government appeared by Nick Linder, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Nutter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Duncan of her rights and provided her with a copy of the petition. Defendant Duncan orally waived her right to a preliminary hearing.
2. After being placed under oath, Defendant Duncan admitted violation numbers 1, and 2. [Docket No. 163.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1        “You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.”

Beginning May 28, 2019 to June 10, 2019, Ms. Duncan failed to notify the U.S. Probation Department of any changes in her residence. The probation officer was notified by a third party family member who lived at the address on file, that the offender had not been living at her stated address for approximately two weeks nor would she be allowed to return to said address.

- 2        “You shall report to the probation officer in a manner and frequency directed by the court or probation officer.”

Ms. Duncan absconded from probation supervision. On numerous occasions between May 28, 2019 and June 10, 2019, Ms. Duncan was attempted to be reached via her personal telephone and via third party family members who lived in her address on file. All attempts to locate or speak to Ms. Duncan were unsuccessful and her whereabouts are unknown at this time.

4.        The parties stipulated that:

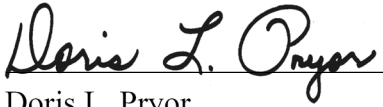
- (a)        The highest grade of violation is a Grade C violation.
- (b)        Defendant’s criminal history category is III.
- (c)        The range of imprisonment applicable upon revocation of supervised release, therefore, is 5 to 11 months’ imprisonment.

5.        The parties jointly recommended a sentence of five (5) months with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of five (5) with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 9/10/2019

  
Doris L. Pryor  
United States Magistrate Judge  
Southern District of Indiana

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